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Declaration of Ronald G. Wheeland, MD, FACP

Ronald G. Wheeland, MD declares and states as follows:

1. I am a Board-certified dermatologic surgeon and Professor in the Section of Dermatology at the University of Arizona Health Sciences Center. As described in more detail in my Curriculum Vitae, attached hereto as Exhibit A, I am a past president of the American Society for Lasers in Medicine and Surgery, a past president of the American Society of Dermatologic Surgeons, and a past president of the American Academy of Dermatology. Among other academic positions, I have served as Chairman of the Department of Dermatology at the University of California at Davis and as Chairman of the Department of Dermatology at the University of New Mexico Health Sciences Center. I am the author of over 235 publications including 82 peer-reviewed journal articles, eight books and 66 book chapters.
2. In 2003, at the time that I learned about the hair removal laser device invented by Robert Grove, Ph.D., Mark Weckwerth, Ph.D., and Tobin Island, Ph.D. at SpectraGenics (the "Company"), I had no financial interest in the Company. Because of my positive impressions of the device, as discussed below, I subsequently agreed to serve as chairman of the Company's medical advisory board, for which I received stock options that represent less than 0.05% of the Company. I later acted as principal investigator on a clinical study sponsored by SpectraGenics and conducted at the University of Arizona in 2005, for which I received no compensation from the Company. I am not being compensated for my time in preparing this declaration.
3. My extensive involvement with dermatologic lasers dates back over thirty years. In the mid-1990's I published one of the first peer-reviewed articles on the use of lasers for the removal of hair using Q-switched ruby lasers. During my professional career I have also gained extensive experience in the use of carbon-dioxide lasers, argon lasers, pulsed and cw dye lasers, alexandrite lasers, neodymium-YAG lasers, and diode lasers, among others. I have personally performed literally thousands of dermatologic treatments with these lasers.
4. It is well known among dermatologists that lasers represent a potentially serious eye hazard. It has also been universally accepted among dermatologists that any laser sufficiently powerful to cause thermal injury to tissue (e.g., to the hair follicle in the case of a hair-removal laser) would unquestionably cause serious eye damage or blindness if the output beam of any of these lasers were to strike the unprotected eye of the laser operator, patient, or other persons in the treatment room. For this reason, protective eyewear *has always* been required during typical laser dermatologic treatments.

5. Because of the universal understanding of the risk of laser eye injury stated above, I was astounded to learn in 2003 that a laser device had been invented that is powerful enough to effect laser hair removal, and yet is eye-safe. That is, the device produces sufficient fluence to delay the re-growth of hair, and yet has an output that is both below the Maximum Permissible Exposure under International Laser Standard IEC 60825-1, and has also been independently certified as a Class I (eye-safe) Laser under the standards set by the Center for Devices and Radiological Health of the U.S. government (21CFR1040).

6. I found this invention so remarkable that I agreed, as stated above, to serve on the Company's medical advisory board. I also agreed to conduct a clinical trial to verify the safety and efficacy of the hair removal device. This research has resulted in recent acceptance for publication of the study results in a peer-reviewed medical journal.

7. Over the past several years I have spoken about the Company's invention to many of my colleagues in the dermatology profession. *Without exception*, each has been extremely surprised to learn that it is possible to build an eye-safe hair removal laser. When I have insisted that this is the case, they initially assume that it must be eye-safe only because the light is somehow confined to the skin; or that a very long wavelength (not capable of being transmitted through to the retina) is used.

8. In conclusion, the invention of a device that is powerful enough to effect hair removal, and yet is eye-safe, is an astonishing achievement and of true benefit to consumers, who will now be able to perform, for the first time, effective laser hair removal safely at home.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 4-30-07

Ronald G. Wheeland, MD, FACP Date